

## Message Text

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ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 IOE-00 SSO-00 INRE-00 NSCE-00  
USIE-00 ERDE-00 ACDA-07 CIAE-00 DODE-00 PM-04  
INR-07 L-03 NSAE-00 NASA-01 NSC-05 ERDA-05 SS-15  
OES-07 AF-10 ARA-10 EA-07 NEA-10 CCO-00 OTPE-00  
EB-07 FCC-01 OC-06 COME-00 BIB-01 /133 W  
-----075852 241609Z /47

O R 241353Z JUN 77  
FM AMEMBASSY VIENNA  
TO SECSTATE WASHDC IMMEDIATE 2267  
INFO USMISSION NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 VIENNA 5097

E.O. 11652: GDS  
TAGS: TSPA, UN  
SUBJECT: OUTER SPACE COMMITTEE: DIRECT BROADCAST SATELLITES

1. SUMMARY. INFORMAL WORKING GROUP RECORDED MODERATE  
PROGRESS ON PREAMBLE TO DBS GUIDELINES AND BEGAN  
DISCUSSING THE CONTROVERSIAL "10TH PRINCIPLE" CONCERNING  
"CONSULTATIONS AND AGREEMENTS BETWEEN STATES" 24 JUNE.  
DISCUSSION OF THE "10TH PRINCIPLE" WILL CONTINUE IN THE  
WG ON 27 JUNE, AT WHICH POINT US INABILITY TO ACCEPT  
"AGREEMENTS AND/OR ARRANGEMENTS" PHRASE WILL BE  
MADE CLEAR. END SUMMARY.

2 DETAILS. WG CONTINUED TO WOKE ON PREAMBLE CONTAINED  
IN "NEW YORK REPORT" OF THE LEGAL SUBCOMMITTEE. US, UK,  
FRANCE, CANADA, NIGERIA AND ARGENTINA WERE FREQUENT  
SPEAKERS. FRANCE PROVED HELPFUL IN SUGGESTING  
GUIDELINES PREAMBLE MENTION BENEFITS TO INDIVIDUALS, NOT  
TO "MANKIND", AND THIS WAS INCORPORATED IN A REVISED  
PREAMBULAR PARAGRAPH. AS PROVISIONALLY AGREED, THE  
FIRST THREE PREAMBULAR PARAGRAPHS READ: BEGIN  
QUOTE: THE GENERAL ASSEMBLY,  
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IN VIEW OF THE BENEFITS OF INTERNATIONAL DIRECT  
TELEVISION BROADCASTING BY MEANS OF ARTIFICIAL EARTH  
SATELLITES FOR INDIVIDUALS, PEOPLES, COUNTRIES AND  
ALL MANKIND,  
DESIRING TO SAFEGUARD THE LEGITIMATE RIGHTS AND  
INTERESTS OF ALL STATES AND TO ENCOURAGE ORDERLY  
DEVELOPMENT ON AN EQUITABLE BASIS OF THIS NEW AND

PROMISING MEANS OF TELEVISION BROADCASTING,  
RECOGNIZING THE UNIQUE CHARACTERISTICS OF SUCH  
SATELLITE BROADCASTING NOT ENCOUNTERED IN OTHER FORMS  
OF BROADCASTING WHICH NECESSITATE BESIDES RELEVANT  
TECHNICAL REGULATIONS ALSO LEGAL PRINCIPLES SOLELY  
APPLICABLE IN THIS FIELD,  
(MATERIAL TO BE INSERTED; SEE COMMENT BELOW)  
CONSIDERING THAT STATES, AS WELL AS INTERNATIONAL  
GOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS,  
INCLUDING BROADCASTING ASSOCIATIONS, SHOULD BASE THEIR  
ACTIVITIES IN THIS FIELD UPON AND ENCOURAGE INTERNATIONAL  
COOPERATION.  
SOLEMNLY DECLARES THAT IN INTERNATIONAL DIRECT  
TELEVISION BROADCASTING BY MEANS OF ARTIFICIAL EARTH  
SATELLITES, STATES SHOULD BE GUIDED BY THE FOLLOWING  
PRINCIPLES. END QUOTE.

3. COMMENT: (A) THE DIFFICULT PART OF THE PREAMBLE  
(APPENDIX TO ANNEX II OF THE NEW YORK REPORT) WAS  
DISCUSSED BUT PUT TO ONE SIDE TO ALLOW WG TO BEGIN  
TO DISCUSS THE CONSULTATION AND AGREEMENTS PRINCIPLE.  
(B) THE FIRST AND THIRD PARAGRAPHS OF THE PREAMBLE NOW  
APPEAR WITHOUT BRACKETS (SUBJECT, OF COURSE, TO THE  
CONDITION, WHICH HOLDS THROUGHOUT, THAT ALL AGREEMENTS  
ARE PROVISIONAL PENDING A REVIEW OF THE GUIDELINES  
PACKAGE WHEN IT IS COMPLETE) (C) THE SECOND, FOURTH AND  
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FIFTH PARAGRAPHS WERE AGREED EARLIER IN THE LEGAL  
SUBCOMMITTEE. (D) THE PLACE IN THE PREAMBLE AT WHICH  
AN OMISSION IS INDICATED IS A REMINDER THAT THE PREAMBLE  
IS NOT YET COMPLETE AND THAT VARIOUS DELEGATIONS WANT  
VARIOUS MATERIAL MENTIONED--STRICT RESPECT FOR  
SOVEREIGNTY, NON-INTERFERENCE IN INTERNAL AFFAIRS,  
FREEDOM OF EXPRESSION, ETC. THUS, WG HEARD BUT PUT  
ASIDE FOR THE MOMENT A NEW ROMANIAN SO-CALLED "COMPROMISE"  
FORMULATION FOR TWO ADDITIONAL PARAGRAPHS WHICH WOULD  
READ BEGIN QUOTE:

RECALLING THE DUTY OF ALL STATES TO RESPECT THE  
PRINCIPLES OF THE SOVEREIGN EQUALITY OF STATES AND OF  
NON-INTERFERENCE IN THE INTERNAL AFFAIRS OF OTHER STATES,

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INFO OCT-01 EUR-12 ISO-00 IOE-00 SSO-00 INRE-00 NSCE-00  
USIE-00 ERDE-00 ACDA-07 CIAE-00 DODE-00 PM-04  
INR-07 L-03 NSAE-00 NASA-01 NSC-05 ERDA-05 SS-15  
OES-07 AF-10 ARA-10 EA-07 NEA-10 CCO-00 OTPE-00  
EB-07 FCC-01 OC-06 COME-00 BIB-01 /133 W  
-----076470 241608Z /47

O R 241353Z JUN 77  
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TO SECSTATE WASHDC IMMEDIATE 2268  
INFO USMISSION NEW YORK 4131

C O N F I D E N T I A L SECTION 2 OF 2 VIENNA 5097

RECOGNIZING THE IMPORTANCE OF FREER AND BROADER  
EXCHANGE OF IDEAS BETWEEN ALL COUNTRIES OF THE WORLD  
END QUOTE.

4. WHEN WG TURNED TO THE THREE-PARAGRAPH "CONSULTATION  
AND AGREEMENTS BETWEEN STATES" PRINCIPLE, SOV DEL BEGAN  
BY MAKING CONCILIATORY GESTURE OF AGREEING TO INCLUDE  
IN THE FIRST PARAGRAPH THE PREVIOUSLY BRACKETED  
LANGUAGE OF THE NY TEXT CONCERNING THE FACT THAT NON-  
GOVERNMENTAL BROADCASTERS MAY WISH TO USE DBS. US  
AND ARGENTINA WELCOMED THIS, AND WG NOTED AGREEMENT.

5. THERE FOLLOWED A LENGTHY EXCHANGE BETWEEN THE  
UK, FRANCE, THE US, SWEDEN, THE USSR, ROMANIA, INDIA  
AND ARGENTINA ON OPTIMUM WORDING AS TO THE RELEVANCE  
OF THE ITU CONVENTION AND ITS RADIO REGULATIONS. AS  
THE UK POINTED OUT, AGREEMENT WAS REACHED DURING THE  
1976 LEGAL SUBCOMMITTEE SESSION (IN THE PROVISION ON  
APPLICATION OF INTERNATIONAL LAW) THAT NOT ONLY THE  
CHARTER AND THE OUTER SPACE TREATY BUT ALSO THE ITU  
CONVENTION AND RADIO REGULATIONS APPLY TO DBS ACTIVITIES  
(SEE A/AC/105/171, ANNEX II). THE CENTRAL DIFFICULTY  
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OF SAYING, AS DOES THE NY TEXT, THAT DBS ACTIVITIES  
"SHALL BE BASED ON APPROPRIATE AGREEMENTS AND/OR  
ARRANGEMENTS BETWEEN THE BROADCASTING AND RECEIVING  
STATES OR THE BROADCASTING ENTITIES DULY AUTHORIZED  
BY THE RESPECTIVE STATE" WAS NOT REPEAT NOT YET  
ADDRESSED. THE WG CONCLUDED BY AGREEING TO CONSIDER  
ON 27 JUNE THE FOLLOWING AMALGAMATED REVISION OF THE

FIRST PARAGRAPH. BEGIN QUOTE: A DIRECT TELEVISION  
BROADCASTING SERVICE BY MEANS OF ARTIFICIAL EARTH  
SATELLITES SPECIFICALLY DIRECTED AT A FOREIGN STATE  
SHALL BE ESTABLISHED ONLY (IN THOSE CASES WHEN IT IS  
IN AGREEMENT WITH AN WITHOUT PREJUDICE TO)  
( IN THOSE CASES WHEN IT DOES NOT CONTRADICT TO AND  
WITHOUT PREJUDICE TO)  
(WHEN IT IS COMPATIBLE WITH AND WITHOUT PREJUDICE TO)  
THE RELEVANT INTERESTS OF THE ITU AND SHALL BE BASED  
ON APPROPRIATE AGREEMENTS AND/OR ARRANGEMENTS BETWEEN  
THE BROADCASTING AND RECEIVING STATE, OR THE BROADCASTING  
ENTITIES DULY AUTHORIZED BY THE RESPECTIVE STATES, IN ORDER  
TO FACILITATE THE FREER AND WIDER DISSEMINATION OF  
INFORMATION OF ALL KINDS AND TO ENCOURAGE CO-OPERATION  
IN THE FIELD OF INFORMATION AND THE EXCHANGE OF  
INFORMATION WITH OTHER COUNTRIES. END QUOTE.

6. COMMENT. (A) AS NOTED, THE CENTRAL DIFFICULTY  
INVOLVING "AGREEMENTS AND/OR ARRANGEMENTS", FOR  
WHICH THE US WOULD WISH TO SUBSTITUTE THE CONCEPT OF  
NOTIFICATION AND CONSULTATIONS, REMAINS. AT THE NEXT  
WG SITTING WE WILL PUT FORWARD US OBJECTIONS AND,  
DEPENDING UPON THE DRAFTING SITUATION, ASK THAT  
BRACKETS BY INSERTED TO HIGHLIGHT THE POINT OF  
DISAGREEMENT. AS OF NOW, WE DO NOT FORESEE ANY  
SUPPORT FOR THIS POSITION BUT WILL TRY TO GET THE  
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FRG TO SPEAK WITH US. (B) AS TO THE THREE  
PARENTHEICAL EXPRESSIONS, THESE ARE ALTERNATIVES.  
THE UK AND FRANCE ACCEPT THE THIRD FORMULATION,  
WHICH APPEARS CORRECT. (C) THIS FIRST PARAGRAPH  
OF THE "10TH PRINCIPLE" IS VERY HEAVY AND, APART  
FROM SUBSTANTIVE DIFFERENCE, WILL HAVE TO BE LOOKED  
AT FROM THE DRAFTING POINT OF VIEW IF THE END  
PRODUCT IS TO BE INTELLIGIBLE. MEEHAN

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** COMMITTEES, COMMUNICATION SATELLITES, SPACE PROGRAMS  
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**Copy:** SINGLE  
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**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
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**Disposition Remarks:**  
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**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
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**Litigation History:**  
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**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Retention:** 0  
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**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
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**SAS ID:** 2033170  
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**Status:** NATIVE  
**Subject:** OUTER SPACE COMMITTEE: DIRECT BROADCAST SATELLITES  
**TAGS:** TSPA, AORG, UN  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/dbdb7e76-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
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